

EXHIBIT 99

Springfield, IL

Page 1

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MASSACHUSETTS

-----X

IN RE: PHARMACEUTICAL INDUSTRY)

AVERAGE WHOLESALE PRICE LITIGATION) MDL No. 1456

-----) Civil Action

THIS DOCUMENT RELATES TO:) No. 01-12257-PBS

United States of America, ex. rel.) Hon. Patti Saris

Ven-a-Care of the Florida Keys,) Magistrate Judge

Inc., v. Abbott Laboratories, Inc.,)

Civil Action No. 06-11337-PBS; and)

United States of America, ex. rel.) VIDEOTAPED

Ven-a-Care of the Florida Keys,) DEPOSITION OF

Inc., v. Dey, Inc., et. al., Civil) THE ILLINOIS

Action No. 05-11084-PBS; and United) DEPARTMENT OF

States of America, ex. rel.) HEALTHCARE AND

Ven-a-Care of the Florida Keys,) FAMILY SERVICES

Inc., v. Boehringer Ingelheim) by JAMES PARKER

Corp. et. al., Civil Action)

No. 07-10248-PBS.) NOVEMBER 18, 2008

-----X

Henderson Legal Services, Inc.

202-220-4158

www.hendersonlegalservices.com

Springfield, IL

Page 2

1 Videotaped deposition of JAMES PARKER,
2 called by the Plaintiffs for examination, taken
3 pursuant to notice, agreement and by the provisions
4 of the Rules of Civil Procedure for the United
5 States District Courts pertaining to the taking of
6 depositions, taken before DEBORAH HABIAN, a Notary
7 Public within and for the County of Cook, State of
8 Illinois, and a Certified Shorthand Reporter of
9 said State, at the United States Attorney's Office,
10 318 South 6th Street, Springfield, Illinois, on the
11 18th day of November, 2008, at 9:17 a.m.

Henderson Legal Services, Inc.

202-220-4158

www.hendersonlegalservices.com

Springfield, IL

Page 3

A P P E A R A N C E S :

On behalf of the United States

U.S. DEPARTMENT OF JUSTICE
COMMERCIAL LITIGATION, FRAUD
BY: LAURIE A. OBEREMBT, ESQ.
P.O. Box 261
Ben Franklin Station
Washington, D.C. 20044
(202) 514-3345

Via telephone on behalf of Abbott
Laboratories Defendants;

JONES DAY
BY: ERIC P. BERLIN, ESQ.
77 West Wacker Drive
Chicago, Illinois 60601-1692
(312) 782-3939

Henderson Legal Services, Inc.

202-220-4158

www.hendersonlegalservices.com

Springfield, IL

Page 4

1 A P P E A R A N C E S : (CONTINUED)

2

3 On behalf of the Roxanne and Boehringer
4 Ingleheim Corp. Defendants;

5

6 KIRKLAND & ELLIS, LLP

7 BY: JOHN W. REALE, ESQ.

8 MIRIAM L. LIEBERMAN, ESQ.

9 200 East Randolph Drive

10 Chicago, Illinois 60601

11 (312) 861-2000

12

13

14 On behalf of Dey, Inc., Dey LP and Dey LP, Inc.;

15

16 KELLEY DRYE

17 BY: MICHAEL J. MALONEY, ESQ.

18 101 Park Avenue

19 New York, New York 10178

20 (212) 808-7706

21

22

Henderson Legal Services, Inc.

202-220-4158

www.hendersonlegalservices.com

Springfield, IL

Page 5

A P P E A R A N C E S : (CONTINUED)

On behalf of the State of Illinois and the witness;

MINER, BARNHILL & GALLAND, P.C.

BY: ROBERT S. LIBMAN, ESQ.

BENJAMIN BLUSTEIN, ESQ.

14 West Erie Street

Chicago, Illinois 60610

(312) 751-1170

On behalf of the State of Illinois and the witness.

ILLINOIS DEPT OF HEALTHCARE AND FAMILY SERVICES

BY: JEANETTE G. BADROV, ESQ.

401 South Clinton Street

Sixth Floor

Chicago, Illinois 60607

(312) 793-8620

ALSO PRESENT: DAVID DOMINIAC, VIDEOGRAPHER

Henderson Legal Services, Inc.

202-220-4158

www.hendersonlegalservices.com

Springfield, IL

Page 6

I N D E X

WITNESS: JAMES PARKER	PAGE
EXAMINATION BY LAURIE A. OBEREMBT, ESQ.....	012
EXAMINATION BY JOHN W. REALE, ESQ.....	081
EXAMINATION BY MICHAEL J. MALONEY.....	314, 394
EXAMINATION BY ERIC P. BERLIN, ESQ.....	327

E X H I B I T S

NUMBER	DESCRIPTION	PAGE
Exhibit Parker 001	- Notice of Deposition.....	015
Exhibit Parker 002	- 7/31/87 Federal Register...	030
Exhibit Parker 003	- Summary chart.....	034
Exhibit Parker 004	- AWP-IL-00002351 - 2357.....	039
Exhibit Parker 005	- HHD075-0089 - 090.....	042
Exhibit Parker 006	- AWP-IL-00002593 - 2601.....	043
Exhibit Parker 007	- HHC009-1247 - 1248.....	046
Exhibit Parker 008	- HHC009-1376 - 1377.....	048
Exhibit Parker 009	- AWP-IL-00017006 - 013.....	051
Exhibit Parker 010	- Plf's Interrog Answers	
	State of IL v. Abbott.....	055

Springfield, IL

Page 7

E X H I B I T S (CONTINUED)

NUMBER	DESCRIPTION	PAGE
Exhibit Parker 011	- Summary of Illinois Medicaid Providers.....	057

R O X A N E E X H I B I T S

NUMBER	DESCRIPTION	PAGE
Exhibit Roxane IL 001	- AWP-IL-00000344 - 345...	133
Exhibit Roxane IL 002	- AWP-IL-00016119 - 124...	139
Exhibit Roxane IL 003	- GAO 3/93 doc.....	155
Exhibit Roxane IL 004	- AWP-IL-00002381 - 384...	166
Exhibit Roxane IL 005	- AWP-IL-00016131 - 138...	179
Exhibit Roxane IL 006	- AWP-IL-00016734 - 755...	185
Exhibit Roxane IL 007	- AWP-IL-00016260 - 266...	196
Exhibit Roxane IL 008	- AWP-IL-00010038 - 42....	206
Exhibit Roxane IL 009	- HHD014-0443 - 0460.....	215
Exhibit Roxane IL 010	- AWP-IL-00010143 - 143...	226
Exhibit Roxane IL 011	- AWP-IL-00007713 - 729...	247
Exhibit Roxane IL 012	- AWP-IL-00010155 - 159...	257
Exhibit Roxane IL 013	- AWP-IL-00016922 - 925...	262
Exhibit Roxane IL 014	- AWP-IL-2715 - 716.....	273

Henderson Legal Services, Inc.

202-220-4158

www.hendersonlegalservices.com

Springfield, IL

Page 8

R O X A N E E X H I B I T S (CONTINUED)

NUMBER	DESCRIPTION	PAGE
Exhibit Roxane IL 015	- AWP-IL-00017334 - 335...	276
Exhibit Roxane IL 016	- AWP-IL-00007748.....	286
Exhibit Roxane IL 017	- AWP-IL-8066 - 8067.....	288
Exhibit Roxane IL 018	- AWP-IL-00002875 - 876...	295
Exhibit Roxane IL 019	- HHC009-1316 - 1335.....	299
Exhibit Roxane IL 020	- HHD014-0764 - 0782.....	302
Exhibit Roxane IL 021	- 9/16/02 letter from J. Rehnquist to T. Scully.....	308

A B B O T T E X H I B I T S

NUMBER	DESCRIPTION	PAGE
Exhibit Abbott Parker 001	- AWP-IL-00017006 - 13	329
Exhibit Abbott Parker 002	- AWP-IL-00007596.....	356
Exhibit Abbott Parker 003	- AWP-IL-00009781 - 82	362
Exhibit Abbott Parker 004	- AWP-IL-00007749 - 50	367
Exhibit Abbott Parker 005	- AWP-IL-00016902 - 14	371

Springfield, IL

Page 202

1 A. I got distracted.

2 Q. So it states in here that, "We suspect
3 that the real problem with this initiative is
4 that the current methodologies for maximum
5 reimbursement create higher profits for generics
6 than for brand drugs," correct?

7 A. Correct.

8 Q. And that methodology, the methodology
9 of using AWP, remained in place up until December
10 2000?

11 A. Correct.

12 Q. And then for a six-month period, the
13 methodology also incorporated WAC?

14 A. Correct.

15 Q. Then the system moved back to the use
16 of just AWP?

17 A. Correct.

18 Q. And in so doing, Illinois Department of
19 Public Aid was aware that AWP as early as 1995
20 had become "most meaningless for generic drugs"?

21 A. Yes.

22 Q. And you have seen no evidence since